

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:05CR42-01

MICHAEL A. MORGAN,

Defendant.

**REPORT AND RECOMMENDATION THAT**  
**MOTION TO SUPPRESS STATEMENTS OF CO-CONSPIRATORS AND THAT**  
**REVISED MOTION TO SUPPRESS STATEMENTS OF**  
**CO-DEFENDANTS BE DENIED AS MOOT**

I. Introduction.

A. Background.

Defendant is one of five defendants in a twelve count indictment alleging offenses related to distribution of cocaine base.

B. The Motions.

1. Motion to Suppress Statements of Co-Conspirators.<sup>1</sup>
2. Revised Motion to Suppress Statements of Co-Conspirators.<sup>2</sup>

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<sup>1</sup> Doc. No. 43.

<sup>2</sup> Doc. No. 75.

C. Recommendation.

1. I recommend that the Motion to Suppress Statements of Co-Conspirators be DENIED AS MOOT because Defendant withdrew this motion in his Revised Motion to Suppress Statements of Co-Conspirators.

2. I recommend that the Revised Motion to Suppress Statements of Co-Conspirators be DENIED AS MOOT because the only co-conspirator who gave a statement against this Defendant, Ms. Blankenship, has pleaded guilty, will testify against this Defendant and be subject to cross-examination so Bruton is not applicable.

Any party who appears pro se and any counsel of record, as applicable, may, within ten (10) days from the date of this Report and Recommendation, file with the Clerk of the Court an original and two (2) copies of the written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation.

The Clerk of the Court is directed to provide a copy of this Report and Recommendation to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: November 16, 2005

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE

